ORDER RECEIVED/FOR FILING
Date
Sy

IN RE: PETITION FOR VARIANCE

NW/S Red Lion Road, 2,304' SW

of the c/l of Allender Road

(11328 Red Lion Road) 11th Election District 5th Councilmanic District

Norma F. Bigos Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 97-227-A

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11328 Red Lion Road, located in the vicinity of Allender Road in White Marsh. The Petition was filed by the owner of the property, Norma F. Bigos, and the Contract Purchasers, Kevin and Shirley Kissinger, Sr. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) in the front yard in lieu of the required rear yard location. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Norma Bigos, property owner, and Kevin Kissinger, Contract Purchaser. Appearing as interested parties were David and Michele Fultz, adjacent property owners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.37 acres, more or less, zoned D.R. 3.5 and is unimproved but for an in-ground swimming pool located towards the front of the property. The property is approximately 100 feet wide and some 585 feet deep. The Petitioner owns both the subject property and the adjoining property known as 11326 Red Lion Road. The pool which is the subject of this case was

built in 1985 as an accessory use to the home on the adjoining property. Bigos recently sold her home and property at 11326 Red Lion Road to Mr. and Mrs. David Fultz, who appeared as interested parties in this case. Bigos has also entered into a contract to sell the adjacent property, which is the subject of this request, to Mr. and Mrs. Kissinger who seek to develop the site with a single family dwelling. However, due to the location of the existing pool, the proposed dwelling will be located behind the pool. Thus, the pool will be located in the front yard of the property. Testimony indicated that the pool is located too close to Red Lion Road to allow the placement of the proposed dwelling between the pool and Red Lion Road. In addition, the highway widening of Red Lion Road is proposed for some time in the future, further reducing the distance between the pool and the road. The only alternative the Petitioners have is to construct the dwelling to the rear of the pool. Therefore, a variance is necessary in order to legitimize existing conditions and to permit development of the subject property as proposed.

As noted above, David and Michele Fultz recently purchased the property located at 11326 Red Lion Road. The pool, which is the subject of this request, was an accessory use to the home at 11326 Red Lion Road. However, Mr. & Mrs. Fultz did not purchase the subject property when they purchased their property from Ms. Bigos. Mr. & Mrs. Fultz testified that they would prefer the proposed dwelling not be situated as shown on Petitioner's Exhibit 1 in that it will impose upon the privacy they hope to enjoy to the rear of their home.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

ORDER RECEIVED/FOR FILING

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that special circumstances or conditions exist that are peculiar to the subject property and that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that the swimming pool has existed in its present location for many years. To require its relocation on the property in strict compliance with the zoning regulations would be unnecessarily burdensome for the Petitioners. The relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for  $\rightarrow$  Baltimore County this  $\cancel{10}$   $\cancel{+}$  day of January, 1997 that the Petition for

Manta Maria Maria

Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) in the front yard in lieu of the required rear yard location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

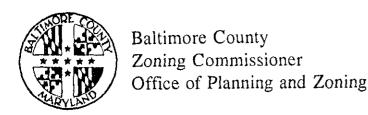
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

January 10, 1997

Ms. Norma Bigos 9106 Abigail Drive, Apt. 1A Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE

NW/S Red Lion Road, 2,304' SW of the c/l of Allender Road

(11328 Red Lion Road)

11th Election District - 5th Councilmanic District

Norma F. Bigos - Petitioner

Case No. 97-227-A

Dear Ms. Bigos:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Kevin Kissinger, Sr. 136 Trailways Road, Baltimore, Md. 21220

Mr. & Mrs. David Fultz 11326 Red Lion Road, White Marsh, Md. 21162

People's Counsel

dase File



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

# 11328 RED LION Rd.

	W-SALE AND PROBLEMY EXPLINATION	D12.3.3
The undersigned, legal owner(s) of the property service and made a part hereof, hereby petition for	ing Administration & Development Management. ituate in Baltimore County and which is described in the description and a Variance from Section(6) LLOO. ( To Account to Sculumes Poor) in the Triout to Account to	

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- The existing pool will not permit the size house that was designed to fit between the pool and the front building setback with the proposed Highway Widening.
- To position the house parallel to Red Lion Road would create two (2) size yard variances which would place the house too close to the house next door (18' from house to house) 5' to each property line in lieu of 10' & 15'.
- The existing pool was used for the existing house on the other parcel. The two parcels Property is to be posted and advertised as prescribed by Zoning Regulations. are being sold separately. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee: Shirley  Kevin + Rissing Kissinger Sr.  (Type or Print Name)	Legal Owner(s).  Norma P Bigos Signa:  (Type or Print Name)
Kevin & Lissinger Si	Noma FBigg
136 tosilways Rd	(Type or Print Name)
Baltimore MD 21220 State Zipcode Attorney for Patitioner.	Signature 337 - 7309
(Type or Print Name)  Alway E. Arsony	Address Red Lon Rd Phone No  White Marsh MD 21162  City State Zipcode  Name, Address and phone number of representative to be contacted.
Address Phone No.	Name
City State Zipcode	Address Phone No
Printed with Soybean Ink on Recycled Paper	OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  unevailable for Hearing  the following dates
MARCH LE 10000 1-	227.



200 East Joppa Road Room 101, Shell Building Towson, Maryland 21286 (410) 828-9060

NOVEMBER 14,1996

DESCRIPTION OF PETITION FOR ZONING VARIANCE LOCATED #11328 RED LION ROAD BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point distant 2304'± southwesterly from the intersection formed by the northwesterly side of Red Lion Road, 30 foot right-of-way, and the centerline of Allender Road; thence S 37° 30' 00" W, 100.00 feet; thence N 57° 36' 20" W, 582.44 feet; thence N 34° 09' 05" E, 105.00 feet; thence S 57° 36' 20" E, 585.00 feet to the PLACE OF BEGINNING.

Containing 1.37 Acres ±.

Tract or parcel of land recorded in the Land Records of Baltimore County in Liber 9952, folio 330.



J. Tilghman Downey, Jr.

J. MICHAEL BERT

BALTIMORE COUNTY, MARYLAND
OFFICE OF INCE-REVENUE DIVISION
MISCELLAN-JUS CASH RECEIPT

PATE

RECEIVED

CIC KAS CASH STREET STREET

FOR COUNT STREET STREET

VALIDATION OR SIGNATURE OF CASHIER

PNK - AGENCY YELLOW - CUSTOMER

ł

The Zoning Guarnissiones of Baltingue County, by adheaty of the Zoning Act and Regulations of Baltingue County will hold a public hearing on the property identified hearin on Room 10s of the County Office Building, 111 W. Chesaneaked Avenue in Towson, Maryland 21204 or Room 118, Old Courbouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Variance: to allow a detached accessory structure (swimming pool) in the front yard in lieu of the rear yard. Hearing: Monday, December 30, 1996 at 10:00 a.m. in Rm. 118, Old Courthouse. 5th Councilmanic Legal Owner(s): Norma F. Bigos Contract Purchaser(s): Kevin and Stuftey Kissinger, Case: #97-227-A (Item 227) 11328 Red Lion Road NWS Red Lion Road, 2304 SW from of Allender Road 11th Bection District

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391. Baltimore County LAWRENCE E SCHMIDT Zoning Commissioner for

12/027 Dec. 5

C103562

CERTIFICATE OF PUBLICATION

TOWSON, MD.,	
160	
15 . 1996	

weeks, the first publication appearing on\_ in Towson, Baltimore County, Md., once in each of published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was \_\_successive , 1996.

THE JEFFERSONIAN,

EGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD	JABLON,	DIRECTOR
For newspaper advertising:			~
Item No.: 227			
Petitioner: KMM & SMVUM KISANGA Location: 11328 Red Work Pd.	<u></u>		
Location: 11328 Red Work Pd.			
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: KUNN & SMINLLY KISSINGW			
ADDRESS: 136 Trailways Pd. Bultumoic, MO 21220			
Baltomore, MO 21220			
PHONE NUMBER:			
AJ:qgs			
··· · · · · · · · · · · · · · · · · ·		(Rev	rised 09/24/96)

MICROFILMED

7-7-

# CERTIFICATE POSTING

	RE: Case No.:
	Petitioner/Developer:
	KEVIN KISSINGER
	Date of Hearing/Glosing: 12-30-96
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	,
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property  Rond, BALTIMORE, MIS	located at 1/328 Fep 6101
The sign(s) were posted on	DEC. 12, 1996  (Month, Day, Year)
Case 197227A  Little History Will Little  PLACE - Samuel Case Asia  Tiber a part of them. All a case Asia  Tiber a part of them. All a	Sincerely,  (Signature of Sign Poster and Date)  Homes Pock Sc.  (Printed Name)  325 Nicholson Rosio  (Address)  Baltimore, MD 21221  (City, State, Zip Code)  (410) 687-8405  (Telephone Number)

97-227-A

11. 12.17 TO: PUTUXENT PUBLISHING COMPANY
December 5, 1996 Issue - Jeffersonian

Please foward billing to:

Kevin and Shirley Kissinger, Sr. 136 Trailways Road Baltimore, MD 21220 337-7309

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-227-A (Item 227)

11328 Red Lion Road

NWS Red Lion Road, 2304' SW from c/l Allender Road

11th Election District - 5th Councilmanic

Legal Owner(s): Norma F. Bigos

Contract Purchaser(s): Kevin and Shirley Kissinger, Sr.

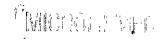
Variance to allow a detached accessory structure (swimming pool) in the front yard in lieu of the rear yard.

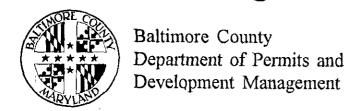
HEARING: MONDAY, DECEMBER 30, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 25, 1996

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeaks Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-227-A (Item 227)

11328 Red Lion Road

NWS Red Lion Road, 2304' SW from c/l Allender Road

11th Election District - 5th Councilmanic

Legal Owner(s): Norma F. Bigos

Contract Purchaser(s): Kevin and Shirley Kissinger, Sr.

Variance to allow a detached accessory structure (swimming pool) in the front yard in lieu of the rear yard.

HEARING: MONDAY, DECEMBER 30, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

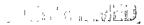
Arnold Jablon Director

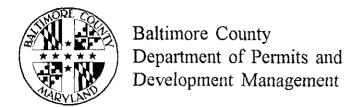
Norma F. Bigos

Kevin and Shirley Kissinger, Sr.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 15, 1996.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 17, 1996

Ms. Norma F. Bigos 11326 Red Lion Road White Marsh, MD 21162

RE: Item No.: 227

Case No.: 97-227-A

Petitioner: Norma F. Bigos

Dear Ms. Bigos:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 20, 1996.

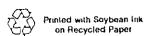
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

W. Cont Richardy

WCR/re
Attachment(s)





David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County /2・/3・タイ Item No. ここフ () によ)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

J. J. Dredh

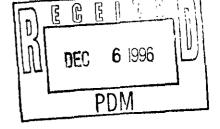
100

Ronald Burns, Chief Engineering Access Permits Division

LG

#### Baltimore County Government Fire Department





700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 12/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF DEC. 02, 1996.

Item No.: SEE BELOW

Zoning Agenda:

#### Gentlemen:

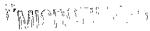
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 185,220,221,222,223,226, 227 AND 231.

RÉVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 5, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for December 9, 1996

Item Nos. 185, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230,

& 231

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE: December 3, 1996

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 185, 220, 223, 225 (227,) 228, and 231

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

my L. Kein

Prepared by:

Division Chief:

PK/JL

"MCEOLIL WED

# BALTIMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

T0:

PDM

FROM:

R. Bruce Seeley RP3/9/ Permits and Development Review

**DEPRM** 

SUBJECT:

Zoning Advisory Committee
Meeting Date: Dec 2 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

219

220

223

231

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE 11328 Red Lion Road, NWS Red Lion Road,	*	BEFORE THE
2304' SW from c/l Allender Road	*	ZONING COMMISSIONER
11th Election District, 5th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Norma F. Bigos		OF DAULTHONE COUNTI
Contract Purchaser(s): Kevin and Shirley Kissinger, Sr.	*	CASE NO. 97-227-A
Petitioners	*	

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

arole S. Domilio

Reter Kap Zinnernan

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 36 day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Norma F. Bigos, 1132 Red Lion Road, White Marsh, MD 21162, and to Contract Purchasers Kevin and Shirley Kissinger, Sr., 136 Trailways Road, Baltimore, MD 21220, Petitioners.

Peter May Zimmernan

44583

LINE SONILS

RUXTON DESIGN CORPORATION

TOWSON, MARYLAND 21204 8422 BELLONA LANE (410) 823-5000

SCALE: 1" =80"

anc J. Hadway 8/10/93

LIES WITHIN THE LOT LINES SHOWN AS COMPILED FROM THEE OR OTHER SOURCES. OTHER IMPROVEMENTS SHOWN ARE FOR PICTORIAL PURPOSES ONLY, THIS DRAWING IS NOT A BOUNDARY I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SURVEY AND HAS BEEN PREPARED EXCLUSINELY FOR TITLE PURPOSES ONLY. BALTIMORE COUNTY, MARYLAND 11326 RED LION ROAD

E RED LION ROAD

M.82.8#N +0'80# Parcel #1 -95.0" ·-S4517W 7. 8815 P 6ZP Parcel #2 in 5857/178 Parcel #1

MICROFILMED

